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ELECTRONICALLY FILED

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Robert L. Pettit
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Re: **Ex Parte Notice** – AT&T Wireless Services, Inc. *et al.*, Joint Petition for Declaratory Ruling; Wireless Consumers Alliance, *et al.* Petition for Declaratory Ruling, WT Docket No. 99-328

Dear Ms. Dortch:

On May 5, 2004, Richard E. Wiley, Thomas Dombrowsky, an engineering consultant at this firm, and I, on behalf of Motorola, Inc., LG Electronics Alabama, Inc. and LG Electronics U.S.A., Inc., discussed the above-referenced proceeding with Commissioner Kevin Martin, and Sam Feder and Jason Williams of Commissioner Martin's staff. The discussions concerned the issues reflected in the enclosed document, copies of which were left with the Commission participants.

In accordance with the Commission's rules, the original of this filing was submitted electronically.

Respectfully submitted,

/s/ *Robert L. Pettit*

Robert L. Pettit

cc: The Honorable Kevin Martin
Sam Feder, Esquire
Jason Williams

Enclosure

Call Completion: Assignment of a Voice or Traffic Channel

- Cell phone call completion – for all calls, including 911 – has always been defined as the assignment of a voice or traffic channel. The *SRO* did not explicitly or implicitly change that definition.
 - As TIA has said repeatedly, an analog call is “considered completed with the assignment of a voice channel (i.e., when Conversation State [is] reached)” and “AB-IR could be established within the framework of the existing analog compatibility standard. This definition of call completion was well understood and well known.” (January 20, 2004 Comments at 3 (citation omitted; emphasis added).)
 - In fact, the record of the proceeding leading up to the *SRO* is replete with references to this well-understood and well-known definition of call completion. And the *SRO* did not direct a change in that definition. As TIA put it, the standards body “was never asked by the Commission to undertake or even to consider changes to the analog compatibility standards that establish whether a call was completed.” (Id. at 4.)
 - The use of AB-IR and the use of digital methodologies implemented by Nokia, Ericsson, Motorola and other manufacturers, have been a resounding success. As a result of the Commission’s policies, thousands of wireless 911 calls reach first responders every day. WCA cannot show otherwise.
 - In fact, this entire proceeding has to do with WCA’s desire to induce the Commission to help it maintain class action lawsuits against the wireless industry. It has nothing to do with “fixing” a problem with 911 call completion.
 - After attempting to define call completion in terms of “connect[ion] to the 911 operator” or “actual[] connect[ion] to the facilities of the local wireline telephone company,” WCA has apparently arrived at a definition based on the SAT fade timer. This interpretation, too, is equally unavailing.
 - The *SRO* contains no direction whatsoever to use the SAT fade timer as the definition of call completion or as the trigger for the 17-second time limit.
 - WCA’s current theory is irrelevant to the language from the *SRO* that WCA has consistently cited.
 - There is no existing “standard” for the SAT fade timer.
- ⇒ As TIA informed the Commission in this proceeding, “TIA/EIA 553-A did not at the time of the adoption of the *SRO* and does not now mandate such a timer or that such a timer be set to any particular value. Implementation of WCA’s vision of how the methodology

advanced by the industry should function would have required changes in the standard to mandate a base station fade timer and exactly how such a timer must operate. The standard clearly reserves such provisions relating to any such timer, and thereby preserves for system operators the flexibility needed to meet local conditions, including traffic demand and the vagaries of terrain that could lead to premature termination of a call.” (March 12, 2004 Ex Parte Letter at 3 (emphasis added).)

- WCA’s various interpretations would have required significant standards changes – and not just to handsets. As TIA said, “none of WCA’s interpretations . . . are consistent with underlying standards for analog calls,” and “implementation of each of WCA’s interpretations would have required significant revisions to those analog standards.” (TIA January 20, 2004 Comments at 1-2.) That’s fundamentally inconsistent with the Commission’s underlying goals in the SRO: to adopt a call completion system that was effective and could be implemented relatively quickly, relatively inexpensively, and without significant changes in the underlying technical standards.
- The SAT fade timer provides a particularly poor interpretation of the SRO because SAT is a wholly analog concept.
- As a practical matter, why would the Commission (understanding that more and more calls would be completed in digital mode – now more than 95% of all cellular calls) adopt a standard that could not be translated to digital mode?
- Because SAT is an analog-only concept, the use of SAT is fundamentally inconsistent with the approval of digital 911 call completion methodologies in the Nokia and Ericsson Orders – which unquestionably define call completion as the assignment of a voice or traffic channel.
- Adoption of WCA’s latest interpretation is not self-executing. There could be no immediate manufacture of handsets based on the WCA interpretation. In fact, adoption of WCA’s interpretation would require the FCC to direct TIA to reinitiate processes for establishing new analog standards for handsets, base stations and networks. This cumbersome, time-consuming and costly process would create a substantial disincentive to manufacture multimode phones.